

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

October 16, 2007

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In the Matter of

John Sloan

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DEP Docket No. 2006-096  
DALA Docket No. DEP-06-864  
File No. 137-0874  
Concord

Final Decision

I adopt the Recommended Final Decision of the Administrative Magistrate, which reflects a ruling on summary decision that the term “landowner” used in 310 CMR 10.05(4)(a) includes owners of property rights such as easements and remand this matter to the Concord Natural Resources Commission (CNRC). Generally, where a conservation commission has refused to accept a notice of intent on the grounds that the notice is incomplete, the Department has the authority to consider the matter. See Wolbach v. Beckett, 20 Mass. App. Ct. 302 (1985). Here the applicant has requested that the case be remanded to the conservation commission. Petitioner John Sloan’s Motion for Summary Decision, January 24, 2007. I interpret this request as a withdrawal of the request for action by the Department, as allowed under the statute. M.G.L. c. 131, s. 40, para. 19. The notice of intent remains effective and is pending before the CNRC.

The parties to this proceeding are notified of their right to file a motion for reconsideration of this Decision, pursuant to 310 CMR 1.01 (14)(d). The motion must be filed with the Docket Clerk and served on all parties within seven business days of the

postmark date of this Decision. A person who has the right to seek judicial review may appeal this Decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this Decision.

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

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Laurie Burt  
Commissioner